

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD HURTWITZ,

Plaintiff,

Case No. 13-cv-_____
HON.

v.

Underlying Case No. 13CO2241 SC
State of Michigan's 52-4th District Court,
Troy, Michigan

MERCHANTS ASSOCIATION COLLECTION
DIVISION, INC.

Defendant.

Edward Hurtwitz Plaintiff In Pro Per 2228 Rochester Court Troy, MI 48083	PLUNKETT COONEY By: Chiara Mattieson (P64390) Attorneys for Defendant Merchants Association Collection Division, Inc. 38505 Woodward Ave., Ste. 2000 Bloomfield Hills, MI 48304 (248)901-4000 (Main line) (248) 594-6369 (Ms. Mattieson's Assistant) (248) 594-6328 (Ms. Mattieson Direct) (248)901-4040 (Fax)
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**REMOVAL OF CAUSE TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

To: United States District Court
Judges of the Above Court

Defendant, MERCHANTS ASSOCIATION COLLECTION DIVISION, INC.

("M.A.C.D.") acting through its attorneys, PLUNKETT COONEY, and pursuant to 28 USC

§1331 and §1446 and Fed. R. Civ. Pro. 81, states the following grounds for removal of this case:

1. On or about September 9, 2013 Plaintiff Shane Stanek commenced a civil action bearing case number 13CO2241 SC against Defendant M.A.C.D. in the Small Claims Division of the State of Michigan's 52-4th Judicial District Court in Troy, Michigan.

2. Defendant M.A.C.D. received the summons and complaint on or about September 16, 2013.

3. The Action involves only claims arising under the following three Federal Statutes:

a. The Fair Credit Reporting Act (FCRA) – 15 USC §1681 Et. Seq.; and

b. The Fair Debt Collections Practices Act (FDCPA) – 15 USC §1692 Et. Seq.; and

c. The Telephone Consumer Protection Act (TCPA) – 47 USC §227 Et. Seq.

(Exhibit 1, Complaint.)

4. Plaintiff seeks "\$500.00 + statutory damages per the FCRA and FDCPA[.]" and "statutory damages for each call made" under the TCPA. Exhibit 1.

FEDERAL QUESTION JURISDICTION UNDER 28 USC §1331

5. Pursuant to 28 USC §1331, this Court has original jurisdiction over this action because it arises under the Constitution, laws, or treaties of the United States.

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

6. A true and correct copy of all of the process, pleadings, orders, and documents from the State Court Action which have been provided to Defendant M.A.C.D. are filed as Exhibit 1 to this Removal. M.A.C.D. has not filed any Answer or other responsive filing in the State Court Action.

7. This Removal has been filed within 30 days of the date that Defendant M.A.C.D. was served with the summons and complaint in this matter. Removal is therefore timely.

8. Venue is proper in this Court because the U.S. District Court for the Eastern District of Michigan in the federal judicial district embracing the 52-4th District Court for the City of Troy, County of Oakland, State of Michigan, where the State Court Action was originally filed and it is also the federal judicial district embracing Troy, Oakland County, Michigan, which is where Plaintiff claims to reside.

9. A true and correct copy of this Removal and its Exhibits, along with the Notice of Removal attached as Exhibit 2 has been filed with the 52-4th District Court and served on Plaintiff via First Class Mail today as provided by law.

CONCLUSION

By this Removal filing, Defendant M.A.C.D. does not waive any objections it may have as to service, jurisdiction or venue, or any other defense or objections it may have to this action. Defendant M.A.C.D. intends no admission of fact, law or liability by this filing, and expressly reserves all defenses, motions and /or pleas.

Dated: October 9, 2013

Respectfully Submitted,

PLUNKETT COONEY

By: s/ Chiara Mattieson
Chiara Mattieson (P64390)
Attorney for Defendant
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CERTIFICATE OF SERVICE

This is to certify that the foregoing Removal of Cause, with exhibits, was sent via United States Mail on October 9, 2013, postage prepaid, to:

Edward Hurtwitz
Plaintiff In Pro Per
2228 Rochester Court
Troy, MI 48083

PLUNKETT COONEY

By: s/ Chiara Mattieson
Chiara Mattieson (P64390)
Attorney for Defendant M.A.C.D.